

REMARKS

Applicant respectfully requests entry of the following amendments and remarks contained herein in response to the Office Action mailed January 11, 2007. Applicant respectfully submits that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 22 are pending. In particular, Applicant amends claims 1 – 10, 14, 17, and 19 – 20. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claims 1 – 3 and 10 – 12 are Allowable Over *Gudjonsson* in view of *Lee*

A. Claim 1

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2003/0233265 A1 ("*Lee*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Lee* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A communication method comprising:
receiving an instant messaging (IM) message from a sender to a recipient;
waiting a predefined time interval for an input from the recipient, the input being responsive to the IM message;
determining whether input from the recipient is received during the predetermined time interval; and
in response to determining that no input from the recipient is received during the predetermined time interval, automatically replying to the IM message in the absence of an input from the recipient during the predefined time interval. (emphasis added)

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Lee* fails to disclose, teach, or suggest a "communication method comprising... ***determining whether input from the recipient is***

received during the predetermined time interval... [and] in response to determining that no input from the recipient is received during the predetermined time interval, automatically replying to the IM message in the absence of an input from the recipient during the predefined time interval" as recited in claim 1, as amended. More specifically, Gudjonsson discloses "[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn't like him and doesn't want his calls, or be put through to the user's GSM" (column 33, line 1). Applicant respectfully submits that this is different than ***"determining whether input from the recipient is received during the predetermined time interval... [and] in response to determining that no input from the recipient is received during the predetermined time interval, automatically replying to the IM message in the absence of an input from the recipient during the predefined time interval"*** as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable.

Additionally, Lee fails to overcome the deficiencies of Gudjonsson. More specifically, Lee discloses "[t]he agent waits a predetermined amount of time for a response from the invitee to an interactive message sent to the invitee" (page 4, paragraph [0060]). Applicant respectfully submits that this is different than ***"determining whether input from the recipient is received during the predetermined time interval... [and] in response to determining that no input from the recipient is received during the predetermined time interval, automatically replying to the IM message in the absence of an input from the recipient during the predefined time interval"*** as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable.

B. Claim 10

The Office Action indicates that claim 10 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2003/0233265 A1 ("*Lee*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Lee* fails to disclose, teach, or suggest all of the elements of claim 10. More specifically, claim 10 recites:

A computer-readable medium comprising:
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message from a sender to a recipient;
computer-readable code adapted to instruct a programmable device to wait a predefined time interval for an input from the recipient, the input being responsive to the IM message;
computer-readable code adapted to instruct a programmable device to determine whether input from the recipient is received during the predetermined time interval; and
computer-readable code adapted to instruct a programmable device to, in response to determining that no input from the recipient is received during the predetermined time interval, reply to the IM message in the absence of an input from the recipient during the predefined time interval. (emphasis added)

Applicant respectfully submits that claim 10, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Lee* fails to disclose, teach, or suggest a "computer-readable medium comprising... ***computer-readable code adapted to instruct a programmable device to determine whether input from the recipient is received during the predetermined time interval... [and] computer-readable code adapted to instruct a programmable device to, in response to determining that no input from the recipient is received during the predetermined time interval, reply to the IM message in the absence of an input from the recipient during the predefined time interval***" as recited in claim 10, as amended. More specifically, *Gudjonsson* discloses "[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn't like him and doesn't want his calls, or be put through to the user's GSM" (column 33, line 1). Applicant

respectfully submits that this is different than ***“computer-readable code adapted to instruct a programmable device to determine whether input from the recipient is received during the predetermined time interval... [and] computer-readable code adapted to instruct a programmable device to, in response to determining that no input from the recipient is received during the predetermined time interval, reply to the IM message in the absence of an input from the recipient during the predefined time interval”*** as recited in claim 10, as amended. For at least this reason, claim 10, as amended, is allowable.

Additionally, *Lee* fails to overcome the deficiencies of *Gudjonsson*. More specifically, *Lee* discloses “[t]he agent waits a predetermined amount of time for a response from the invitee to an interactive message sent to the invitee” (page 4, paragraph [0060]). Applicant respectfully submits that this is different than ***“computer-readable code adapted to instruct a programmable device to determine whether input from the recipient is received during the predetermined time interval... [and] computer-readable code adapted to instruct a programmable device to, in response to determining that no input from the recipient is received during the predetermined time interval, reply to the IM message in the absence of an input from the recipient during the predefined time interval”*** as recited in claim 10, as amended. For at least this reason, claim 10, as amended, is allowable.

C. Claims 2, 3, 11, and 12

The Office Action indicates that claims 2, 3, 11, and 12 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2003/0233265 A1 (“*Lee*”). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Lee* fails to disclose, teach, or suggest all of the elements of claims 2, 3, 11, and 12. More specifically, dependent claims 2 and 3 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Further, dependent claims 11 and 12 are believed to be allowable for at least the reason that these

claims depend from allowable independent claim 10. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II. Claims 4 and 13 are Allowable Over Gudjonsson in view of Lee and further in view of Glasser

The Office Action indicates that claims 4 and 13 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2003/0233265 A1 ("Lee") and further in view of U.S. Publication Number 2005/0108392 A1 ("Glasser"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Lee* and further in view of *Glasser* fails to disclose, teach, or suggest all of the elements of claims 4 and 13. More specifically, dependent claim 4 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Further, dependent claim 13 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 10. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Claims 5, 7, 9, 14, 16, and 18 are Allowable Over Gudjonsson in view of Coutts

A. Claim 5

The Office Action indicates that claim 5 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2003/0120805 A1 ("*Coutts*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Coutts* fails to disclose, teach, or suggest all of the elements of claim 5. More specifically, claim 5 recites:

A communication method comprising:
receiving an instant messaging (IM) message from a first sender to a recipient;
determining whether input from the recipient is received during a predetermined time interval;

in response to determining that no input is received during the predetermined time interval determining whether the recipient is engaged in an IM chat session with a second sender; and
in response to determining that the recipient is engaged in an IM chat session with the second sender, automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender. (emphasis added)

Applicant respectfully submits that claim 10, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Couts* fails to disclose, teach, or suggest a “communication method comprising... *in response to determining that no input is received during the predetermined time interval determining whether the recipient is engaged in an IM chat session with a second sender...* [and] *in response to determining that the recipient is engaged in an IM chat session with the second sender, automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender*” as recited in claim 10, as amended. More specifically, *Gudjonsson* discloses “[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn’t like him and doesn’t want his calls, or be put through to the user’s GSM” (column 33, line 1). Applicant respectfully submits that this is different than “*in response to determining that no input is received during the predetermined time interval determining whether the recipient is engaged in an IM chat session with a second sender...* [and] *in response to determining that the recipient is engaged in an IM chat session with the second sender, automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender*” as recited in claim 10, as amended. For at least this reason, claim 10, as amended, is allowable.

Additionally, *Couts* fails to overcome the deficiencies of *Gudjonsson*. More specifically, *Couts* discloses “Server/Proxy of User D receives [a] message, determines that User D is not

available, retrieves User D's forwarding list which identifies Users B and C... and determines that User B is the next device and is available" (page 4, paragraph [0060]). Applicant respectfully submits that this is different than ***"in response to determining that no input is received during the predetermined time interval determining whether the recipient is engaged in an IM chat session with a second sender... [and] in response to determining that the recipient is engaged in an IM chat session with the second sender, automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender"*** as recited in claim 10, as amended. For at least this reason, claim 10, as amended, is allowable.

B. Claim 14

The Office Action indicates that claim 14 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2003/0120805 A1 ("*Couts*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Couts* fails to disclose, teach, or suggest all of the elements of claim 14. More specifically, claim 14 recites:

A computer-readable medium comprising:
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message from a first sender to a recipient;
computer-readable code adapted to instruct a programmable device to determine whether input from the recipient is received during a predetermined time interval;
computer-readable code adapted to instruct a programmable device to, in response to determining that no input is received during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with second sender; and
computer-readable code adapted to instruct a programmable device to, in response to determining that the recipient is engaged in an IM chat session with the second sender, reply to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender. (emphasis added)

Applicant respectfully submits that claim 14, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Couts* fails to disclose, teach, or suggest a "computer-readable medium comprising... **computer-readable code adapted to instruct a programmable device to, in response to determining that no input is received during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with second sender...** [and] **computer-readable code adapted to instruct a programmable device to, in response to determining that the recipient is engaged in an IM chat session with the second sender, reply to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender**" as recited in claim 14, as amended. More specifically, *Gudjonsson* discloses "[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn't like him and doesn't want his calls, or be put through to the user's GSM" (column 33, line 1). Applicant respectfully submits that this is different than "**computer-readable code adapted to instruct a programmable device to, in response to determining that no input is received during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with second sender...** [and] **computer-readable code adapted to instruct a programmable device to, in response to determining that the recipient is engaged in an IM chat session with the second sender, reply to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender**" as recited in claim 14, as amended. For at least this reason, claim 14, as amended, is allowable.

Additionally, *Couts* fails to overcome the deficiencies of *Gudjonsson*. More specifically, *Couts* discloses "Server/Proxy of User D receives [a] message, determines that User D is not available, retrieves User D's forwarding list which identifies Users B and C... and determines that User B is the next device and is available" (page 4, paragraph [0060]). Applicant

respectfully submits that this is different than “*computer-readable code adapted to instruct a programmable device to, in response to determining that no input is received during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with second sender...* [and] *computer-readable code adapted to instruct a programmable device to, in response to determining that the recipient is engaged in an IM chat session with the second sender, reply to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender*” as recited in claim 14, as amended. For at least this reason, claim 14, as amended, is allowable.

C. Claims 7, 9, 16, and 18

The Office Action indicates that claims 7, 9, 16, and 18 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2003/0120805 A1 (“*Couts*”). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Couts* fails to disclose, teach, or suggest all of the elements of claims 7, 9, 16, and 18. More specifically, dependent claims 7 and 9 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 5. Further, dependent claims 16 and 18 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 14. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Claims 6 and 15 are Allowable Over *Gudjonsson* in view of *Couts* and in further view of *Lee*

The Office Action indicates that claims 6 and 15 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2003/0120805 A1 ("*Couts*") and further in view of U.S. Publication Number 2003/0233265 A1 ("*Lee*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Couts* and further in view of *Lee* fails to disclose, teach, or suggest all of the elements of claims 6 and 15. More specifically, dependent claim 6 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 5. Further, dependent claim 15 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 14. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Claims 8 and 17 are Allowable Over *Gudjonsson* in view of *Couts* and further in view of *Glasser*

The Office Action indicates that claims 8 and 17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2003/0120805 A1 ("*Couts*") and further in view of U.S. Publication Number 2005/0108392 A1 ("*Glasser*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Couts* and further in view of *Glasser* fails to disclose, teach, or suggest all of the elements of claims 8 and 17. More specifically, dependent claim 8 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 5. Further, dependent claim 17 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 14. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VI. Claims 19 – 22 are Allowable Over *Gudjonsson* in view of *Glasser*

A. Claim 19

The Office Action indicates that claim 19 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2005/0108392 A1 ("*Glasser*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Glasser* fails to disclose, teach, or suggest all of the elements of claim 19. More specifically, claim 19 recites:

A communication system comprising:
means for receiving an instant messaging (IM) message from a sender to a recipient;
means for determining whether the recipient has provided an input during a predefined time interval;
means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender; and
means for, in response to determining that the recipient is engaged in an IM chat session with another sender, replying to the IM message. (emphasis added)

Applicant respectfully submits that claim 19, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Glasser* fails to disclose, teach, or suggest a "communication system comprising... ***means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender...*** [and] ***means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender***" as recited in claim 19, as amended. More specifically, *Gudjonsson* discloses "[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn't like him and doesn't want his calls, or be put through to the user's GSM" (column 33, line 1). Applicant respectfully submits that this is different than "***means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is***

engaged in an IM chat session with another sender... [and] means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender" as recited in claim 19, as amended. For at least this reason, claim 19, as amended, is allowable.

Additionally, *Glasser* fails to overcome the deficiencies of *Gudjonsson*. More specifically, *Glasser* discloses "detecting user operation of a user input device and providing an activity notification to other computers in a computer network" (page 1, paragraph [0007]). Applicant respectfully submits that this is different than "*means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender... [and] means for, in response to determining that the recipient has not provided an input during the predetermined time interval, determining whether the recipient is engaged in an IM chat session with another sender*" as recited in claim 19, as amended. For at least this reason, claim 19, as amended, is allowable.

B. Claim 20

The Office Action indicates that claim 20 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent Number 6564261 B1 ("*Gudjonsson*") in view of U.S. Publication Number 2005/0108392 A1 ("*Glasser*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Glasser* fails to disclose, teach, or suggest all of the elements of claim 20. More specifically, claim 20 recites:

A communication system comprising:
instant-messaging (IM) receive logic configured to receive an IM message from a sender to a recipient;
first determining logic configured to determine whether the recipient has provided an input during a predefined time interval;
second determining logic configured to, in response to determining that the recipient has not provided an input during the

predetermined time interval, determine whether the recipient is engaged in an IM chat session with another sender, reply logic configured to, in response to determining that the recipient is engaged in an IM chat session with another sender, reply to the IM message. (emphasis added)

Applicant respectfully submits that claim 20, as amended, is allowable over the cited art for at least the reason that *Gudjonsson* in view of *Glasser* fails to disclose, teach, or suggest a "communication system comprising... **second determining logic configured to, in response to determining that the recipient has not provided an input during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with another sender...** [and] **reply logic configured to, in response to determining that the recipient is engaged in an IM chat session with another sender, reply to the IM message**" as recited in claim 20, as amended. More specifically, *Gudjonsson* discloses "[b]ased on settings in the profile, the other user could be routed to an auto-replier which responds that the user doesn't like him and doesn't want his calls, or be put through to the user's GSM" (column 33, line 1). Applicant respectfully submits that this is different than "**second determining logic configured to, in response to determining that the recipient has not provided an input during the predetermined time interval, determine whether the recipient is engaged in an IM chat session with another sender...** [and] **reply logic configured to, in response to determining that the recipient is engaged in an IM chat session with another sender, reply to the IM message**" as recited in claim 20, as amended. For at least this reason, claim 20, as amended, is allowable.

Additionally, *Glasser* fails to overcome the deficiencies of *Gudjonsson*. More specifically, *Glasser* discloses "detecting user operation of a user input device and providing an activity notification to other computers in a computer network" (page 1, paragraph [0007]). Applicant respectfully submits that this is different than "**second determining logic configured to, in response to determining that the recipient has not provided an input during the**

predetermined time interval, determine whether the recipient is engaged in an IM chat session with another sender... [and] reply logic configured to, in response to determining that the recipient is engaged in an IM chat session with another sender, reply to the IM message" as recited in claim 20, as amended. For at least this reason, claim 20, as amended, is allowable.

C. Claims 21 and 22

The Office Action indicates that claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Gudjonsson* in view of U.S. Publication Number 2005/0108392 A1 ("*Glasser*"). Applicant respectfully traverses this rejection for at least the reason that *Gudjonsson* in view of *Glasser* fails to disclose, teach, or suggest all of the elements of claims 21 and 22. More specifically, dependent claims 21 and 22 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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